

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HILL SANDERS, III,	§
	§
Plaintiff,	§
	§
VS.	§ CIVIL ACTION NO. H-07-2458
	§
WARNER BROS PRODUCTION,	§
	§
Defendant.	§

MEMORANDUM AND ORDER

The plaintiff, Hill Sanders, III, filed this *pro se* complaint in July 2007. He sued Warner Bros. Production, alleging that he is entitled to receive \$10 million in actual damages and \$5 million in punitive damages for infringement. Sanders alleged that he had created a name and character, “apple genie,” and that this character was used in the movie “Harry Potter.”

This court dismissed the case for want of prosecution after Sanders failed to comply with the court’s order entered on July 27, 2007. The record shows that Sanders made no effort to prosecute this case. There is no indication that he sought the issuance of summons or attempted to effect service. He also failed to attend the court-ordered initial conference on October 30, 2007 and did not notify the court that he would be unable to do so or seek a reset. This court noted Sanders’s extensive litigation history in its dismissal order.

On November 21, 2007, Sanders moved to reset the hearing date. He stated that he had medical conditions that had made him unable to attend the hearing. (Docket Entry No.

7). Sanders did not, however, explain his failure to comply with the court's orders beyond appearing at the initial scheduling conference. Nor did he explain his failure to notify the court of his inability to attend the October 2007 conference.

The motion is denied. Sanders's *pro se* status does not excuse his failure to comply with the Rules of Civil Procedure, the local rules of the Southern District of Texas, or the orders of this court.

SIGNED on January 10, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge